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Before The Federal Communications Commission

Washington D.C. 20554

In the matter of proposal for creation of the low power FM
(LPFM) broadcast service.

FCC-RM-9242

To: Federal Communications Commission

Enclosed are my comments to the comments filed by the NAB, ACAMBA, SBA, Council for USA digital radio, and the petitioner J. Rodger Skinner of RM-9242. The only thing I want to address here right now is that I, Ted Ham II, ordinary citizen, deem myself as the "listening public" that the above agencies listed refer to in their comments. Let me make it clear that I have never been asked by the above agencies about my opinion on what is best for me as they refer to in their comments, being that I am the "listening public". Please read my comments on the comments made in reference to RM-9242 and you will see clearly, hopefully, that the "listening public", strongly disagrees with the NAB, ACAMBA, and SBA.

Thank You,



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MMB

My comments to the remarks made by the National Association of Broadcasters

NAB rmk-Statistics show 61.7% of radio listening is done outside of the home, Fcc was reasonable when it said low power radio service was inefficient.

My Comment-So What about the 61.7% done in the car. Does a microcasters signal suddenly bounce off of vehicles? A person in a car will receive the transmission of a microcaster. If the person rides out of the service area of a microcaster and has to change channels, so what? The same thing is done when a full power station has commercials on. The radio station gets changed. Low power service is not inefficient. It serves a community, not 20 communities like a full pwr station. What does a person in community number 1 care about what is going on in community number 19 thirty miles away? Not me. Give me community radio, not 60 mile radius crap. Why should the NAB care about the impact a microcaster would have (not that he would) on a commercial station? The microcaster only wants to cover the local immediate town.

NAB rmk-A full service station has the ability to best serve the public, and the number of people served in a community by a microcaster will be limited.

My comment-Who does the NAB consider as the public. I didn't get a call from them asking me about what I think. I consider myself as part of the public and totally disagree that a full service station has the ability to serve me. Again, so what if the people served by a microcaster is a limited group. Thats what they (microcasters) want. To be able to serve a limited area with pertinent information that is happening in that area.

NAB rmk-A majority of radio listening is done in a car, and full power stations provide reliable info, weather, news, traffic, etc.

My comment-What, are there going to be no cars in a microcasters service area ever? The people in those cars won't be able to receive the broadcasts of a microcaster? Are there radios smart enough to tune out a micro-broadcast? This is a stupid answer to an even stupider comment by the NAB. Why couldn't the microcaster provide just as pertinent info about weather, news, traffic, but only to a smaller audience who really cares about what is going on in his community. Does the NAB think that the just because a microcaster has a 75 watt station that he will provide hoax information?

NAB rmk-The microcaster would always be begging for more, antenna height, power.

My comment-So what if the microcaster asks for more. It doesn't mean he will get it. It shall possibly be applied for if he seeks more power and can always be denied.

My comments to the remarks made by the National Association of Broadcasters

NAB rmk-Interference

My comment-Like I said before, a good quality filter will take care of those interfering harmonics, and I can't believe that a microcaster operating at 50 watts is going to have any impact at all on a 99kw full power station. I refuse to believe it.

NAB rmk-Administrative difficulties burden the FCC, no time to deal with microcasters.

My comment-What about all the complaints generated from cellphones, cordless phones, cb's, tv's, and any other radio related problems. It's not just the microcasters. When you are a rulemaking committee in any business, you will be burdened by complaints.

NAB rmk-The licenced stations have more to loose so they follow the rules better, more at risk.

My comment-So what if the microcasters total equipment cost is say \$3000.00 and a commercial stations equipment cost is 2 million dollars. It's all relative. It's the same amount of money value to each person. The \$3000.00 to the microcaster is a lot to him and he would not follow the rules any differently if his stuff could be taken away.

Nab rmk-A commercial radio station is in the publics best interest.

My comment-Once again, who is the public. They (NAB) are just speaking for themselves. I am the public and DO NOT agree with the NAB about how a full power station is the best thing for me.

My comments to the remarks from State Broadcasters Association

SBA Rmk-It is the paramount right of listners to be well informed, any \$300.00 investment will get anyone on the air, microcasters will not conduct responsibly and communities and citizens will be left uninformed.

My Comment-Why does the SBA think the microcaster will uninform listners? Just because they are a microcaster it does not mean they will give false or misleading info or no info at all while broadcasting. I also think it takes more than \$300.00 to get on the air, but whatever the price, so what? Why wouldn't a microcaster act responsibly? Just because he doesn't work for a big corporation? I'll show you "professional" morning dj's that act like 2 year olds.

SBA Rmk-Group ownership improves the quality of programming, microcasters would only target small service areas, the spectrum would be filled up with already existing programming.

My Comment-Group ownership has nothing to do with the quality of programs on the radio today. Group ownership has EVERYTHING to do with 18 minutes of an hour of songs and the rest with commercials. That is not quality to me, it is quantity, quantity of crap. Microcasters would only target limited service areas, thats what they WANT to do. Personally I don't care what is happening traffic wise, weather, school closing, etc, 50 miles away from me that a full 99kw station covers. As far as the SBA being concerned about filling the spectrum with already existing programming, they obviously don't fiddle with their radios in a large market. How many country stations or right wing talk stations are on the band today? Alot already.

SBA Rmk-Smaller legal broadcasters will be hit financially by microcasters, how do we regulate microcasters, and microcasters will not follow rules about obscene language, tower lighting/painting, lottery ads.

My comment-The last time I checked this was America, the land of free enterprise, the land to make money. Right? Isn't that what the "big guys" who own 12 radio stations are doing right now? Personally I think this is hogwash because aren't the smaller "legal" stations (if there is any left), are already being competed with by the conglomerets? The little "legal" stations won't be affected by an even smaller microcaster, and so what if they are, competition is not illegal. As far as regulating microcasters maybe they should use the same self-policing techniques the commercial stations use, they (commercial stations) seem to think it (self policing) works. Also, does the SBA really think that a microcaster is a blooming imbecil?? Why wouldn't a microcaster be able to read and follow the rules clearly defined by the FCC that pertain to towers, and the lottery ads and other important stuff? As far as foul language on the air I guess these SBA people never listened to Mr. Howard Stern.....He's still on the air

My comments to the remarks by the State Broadcasters Association

SBA rmk-Microcasters will cause interference, and again, how to regulate the microcaster.

My comment-Most microcasters do not want to cause any interference and if they are, then they would want to correct it right away. Probably because if they were causing interference now, that would only get them located and caught(microcasting is still illegal now). There are quality filters designed for the trapping of unwanted harmonics on the market. This comment the SBA keeps coming out with about how to regulate the microcaster is about as good as a joke as the program (self inspection) the licensed broadcasters use. Maybe thats why a full power comm station gets away with over modulation, foul language, airing phone calls with out consent, and a slew of other infractions. I think the SBA needs to regulate their own people a little bit better.

My comments to the remarks made by the American Community of AM Broadcasters

ACAMBA Rmk-More and more AM stations are going off the air due to already increasing FM stations.

My comment-This is an already existing problem, not one that will be created by the approval of low power FM. Lets face the facts. Nobody really listens to AM anymore because of the poor sound quality and no real stereo. If the ACAMBA complains of many vacancies on the dial in the AM band because stations are closing, then why not let low power broadcasters use the vacant stations with ease.

ACAMBA Rmk-We need to have more translators before any low power broadcasting is allowed.

My Comment-Please don't let this happen. AM signals go much farther than FM, that is why they (AM stations) have to decrease power at night time. This means that the AM station does indeed reach the radios of the audience it hopes is listening to them. I don't see a need to simulcast the same programming that is on AM into FM and waste a valuable channel in the FM band that a microcaster could be using. One other point is that I have never heard anybody complain that they could not receive their favorite AM station.

ACAMBA Rmk-AM is at a disadvantage already because of existing FM stations now.

My Comment-AM Has been on a downhill since the 1970's because people don't like all that static and unreliable signal reception that AM provides (signal loss going under a bridge). People like FM because of sound quality.

My closing comment-I don't think the ACAMBA should be concerned about a microcaster on the FM band. Like I said before, if there are more and more AM stations going out of business, let the microcaster use the unused frequencies. I do think AM has some good though, like broadcasting ballgames and other sporting events that have no business cluttering the FM band, and all talk shows. They should be kept in the AM band.

My comments to the comments made by Council For Digital Radio and the National Broadcasters Association interests in IBOC.

IBOC Concerns--Worried that low power FM will interfere with progress towards digital radio.

My comments--To my understanding, a radio station centered on a given frequency is allowed by the FCC to deviate ± 120 kHz from that center frequency. Within that deviation is the supersonic stereo data located at 20-50 kHz up from the center frequency, and the SCA signal located 67-74 kHz up from the center frequency. From what I learned about IBOC is that the IBOC data is located at 57 kHz ± 2.4 kHz from the center frequency. That would put IBOC info below the SCA info, well within the ± 120 kHz allowable deviation from the center frequency. With this in mind, I don't see any interference problems that could be detrimental to the progression of IBOC that would be caused by the microcaster because IBOC falls well within the ± 75 kHz from the center frequency. To also quote the editor-in-chief of Broadcast Engineering magazine, he states that "The manifestation of a viable DAB system for the US radio system seems no closer that it was at the start of the decade." Also quoted from the editor-in-chief is this: "Even if IBOC is possible, its predominant design criterion of backward compatibility to the technical (and economic) environment of US radio may result in a system so flawed that it's nearly useless by the time it arrives." Here is another direct quote from Skip Pizzi, editor-in-chief of the NAB friendly Broadcast Engineering magazine. This quote sums it up, so I think the NAB should stop acting crazy about the possible (so they think) interference a microbroadcaster might (in the NAB eyes) create. Skip says, "To wit, IBOC's siren song has already seduced US radio broadcasters away from lobbying hard for new spectrum to accommodate DAB." In closing on the IBOC situation, I don't see how a microbroadcaster is going to interfere with digital broadcasting, plain and simple.

Proof that adjacent channels DO NOT interfere with experemental IBOC stations.

In this letter I will show valid proof that radio stations on the FIRST adjacent channel to an existing experemental IBOC station does NOT cause interference.

Here in Tampa, Florida, we have an experemental IBOC station on the frequency of 106.1 mhz. The call sign is WA2XNY. I don't know there power level, but they come in loud and clear here in Largo, Florida, where I live. Up until 2 months ago, another commercial station was located on 106.3, the first adjacent channel. There call letters are WLVU at a power of 13kw. The reason I say "was located", is because WLVU since has increased there power to 50kw, and had to move frequencys to 97.1 mhz, NOT because of possible interference to 106.1, but because of possible interference to a station located 45 miles away, in Sarasota, Florida, that was also on 106.3 mhz. The NAB is so concerned about interference from microbroadcasters being on adjacent channels to a commercial station, that in this scenario we see that there was an existing commercial station (WLVU) on 106.3 mhz at a power of 13kw for a very long time. Then came a company that wanted to test out IBOC and the FCC granted them a TWO year license (WA2XNY) 106.1 mhz, to try it out. This is a pure fact that can't be argued with that adjacent, even FIRST adjacent channels can be used for other broadcasters. Certainly the microbroadcaster at a low power level could and should exist on adjacent channels. The FCC allowed it here, as there was no "grandfathering in" of adjacent channel use here.

My comments on some of the proposed rules made by J. Rodger Skinner JR.
Petitioner of RM-9242.

Mr. Skinner has proposed a full outline of tentative rules that he thinks should apply if LPFM were allowed. I disagree with some of them. First off, Mr Skinner has three classes of service listed. I think there should only be two classes. A special event (temporary) class for things like sporting events and such and another permanent class for low power full or part time broadcasting. Both classes should be commercial free and 75 watts or less. Low power to me is not 3000 watts. I don't want to see a low power station soliciting advertisements for companys or products that pay to have that soliciting. We have that already, it's called commercial radio and any time you have loads of commercials on during the programming, the quality of that station soon becomes poor. I think the antenna height for a low power station should be no more than 50-75 feet above average terrain. The antenna also should be one of a type that has no more than 4 db gain. This would keep everybody on a level playfield. The application process should be a first come first serve process. The equipment used should have a quality filter before the antenna. Remember, this is supposed to be LOW POWER broadcasting, enough to serve a community, not 3 citys, and is also supposed to have important pertinent information and programming for that same community, not heavily laiden with advertisment commercials like we have now on legal commercial radio stations.

Certificate of Service

I, Ted Ham II, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail this 20th day of July, 1998, to the following parties.

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My Signature:

A handwritten signature in cursive script, reading "Ted Ham II".